The Slavery Issue in Federal Politics

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THE SLAVERY ISSUE IN FEDERAL POLITICS.

The Causes of Sectionalism.

IF a principal cause may be assigned for the strife over slavery in American politics, it is that there were great numbers of negroes in one group of areas, and but a very slight proportion of them in the population elsewhere. A difference in the environment of people causes a difference in the policies adopted and the systems established. If such contrasts exist within a single body politic, each local group will strive for the control of the government to shape the policies and laws to fit the needs of their locality in preference to those of competing localities. The negroes, after being once imported, made up a part of the environment in the plantation districts, and their control was one of the essential public problems. Just as cattle, lunatics, Indians and desperadoes must be held in restraint, the negroes, at least so many men thought, must be kept under more or less thorough control. Just as men wish to avoid jury duty, mili-

tary service or official responsibility, so the citizens in many cases disrelished the burden of aiding in the capture and return of fugitive slaves; and as the people of one region dislike to be taxed to promote the industries or support the veterans of another, so it was that many communities where the negro problem did not exist, grew restive under the laws or hostile to the policies established or contended for by the people of the black belts. With regard to negro questions, there was some degree of sectionalism within the bounds of every Southern state because the problems varied from area to area within each state; but that sectionalism never went beyond the bounds of moderation. There is, too, a moderate sectionalism inevitable in the United States at large upon numerous public questions, with its phases constantly changing in accordance with the shifting of economic interests and the ideas and spirit of the people. Under normal conditions the alliance and opposition of local interests and ideas is almost kaleidoscopic in the frequency of its change, for no single issue remains paramount long enough to harden the lines of cleavage. The controversy over negro slavery was the great exception by reason of the exaggeration of the issue and the addition of moral and religious excitement. To sectional rivalry were added jealousy, impatience, self-righteousness and hatred. People began to bandy epithets and each party to the quarrel came to see only the mote in the other's eye and not the beam in its own. Affairs proceeded from bad to worse; moderation was lost; truth seeking was given over; indeed, truth was often denied by either party when presented, and at length all possibility of a sound and conservative readjustment of race relations was destroyed.

The Beginning of Slavery in America.

Equatorial Africa was discovered in the same period as the American continent, and its natural resource of crude labor was tapped and exploited simultaneously with the resources of gold in Mexico, sugar in the West Indies, tobacco in Virginia and rice in Carolina. The African staple of negro labor was looked upon in the period in much the same way as the American staples; they all furnished the means of increasing private and public wealth. The Irish product of indentured white labor was still another item in the list of important staples. The prices of all these commodities were regularly quoted in the colonial markets; merchants dealt in them indifferently and people in need of labor bought servants or slaves just as people in need of tobacco, sugar or rice bought supplies of these. There seems not to have been much discussion of the right or wrong of holding men to indented service or slavery. Wage-earning labor was not to be had on any feasible terms in most parts of America and captains of industry were forced to buy bondmen or do without laborers.

Slavery in England: The Sommersett Case.

Experiments with negro labor were made in each of the American colonies and even in the mother country, England. In every case the community soon confronted the problem of controlling it. Systems, of some sort, grew up through custom in each area and were in time recognized by the courts and in most instances were elaborated by statutes. England and each of the colonies maintained a system of slavery for many years and did not in any case abolish it unless and until the commonwealth in question found slavery more troublesome to maintain than it was worth. In England many people in

the seventeenth and eighteenth centuries held negro domestic servants in a status almost or quite identical with American slavery, and a court decision of 1729 practically declared slaveholding legal in the realm by empowering a colonial planter to seize and carry home with him a slave whom he had brought to England on a visit. This decision was confirmed by another in 1749. The following account of affairs in England was printed in the issue of *Gentleman's Magazine* for October, 1764:

"The practice of importing servants into these kingdoms is said to be already a grievance that requires a remedy, and yet it is every day encouraged, insomuch that the number in this metropolis only is supposed to be nearly 20,000; the main objections to their importation is that they cease to consider themselves as slaves in this free country, nor will they put up with an inequality of treatment, nor more willingly perform the laborious offices of servitude than our own people, and if put to it are generally sullen, spiteful, treacherous and revengeful. It is therefore highly impolitic to introduce them as servants here where that rigour and severity is impracticable which is absolutely necessary to make them useful."

When such conditions were prevailing with regard to the negroes and when at the same time English laborers could be hired cheaply and in abundance, it was natural that slavery should lose public sanction and be esteemed a nuisance. In fact, the very decision which overthrew negro slavery in England recited the tone of public opinion as the main ground for the court's action. This decision was rendered in 1772 by Lord Mansfield in the case of James Sommersett on a writ of Habeas Corpus. Sommersett, a negro, had been carried from America to England by his master, James Steuart. When Steuart let it be known he was about to return home, Sommersett absconded. Steuart had him seized and put on board a vessel in the Thames to be returned to Jamaica and sold. Sommersett sued out a writ of Habeas Corpus and Mansfield, after an unsuccessful effort to patch up the case and

keep it out of court, decided that inasmuch as the power of the writ of Habeas Corpus was not expressly limited by statute to free persons, it ought to be extended to slaves in England when they invoked it and should be held to override the rights of masters under the laws, because these were now regarded by public opinion as odious and oppressive. Negro slavery in England never recovered from this blow, largely for the reason that no important element in the realm had any strong interest in maintaining the institution.

Localization of the American Problem.

In the English colonies the use of slave labor increased or languished according as the opportunities of employing labor of tropical habits and crude ability were good or bad. For example, in Massachusetts, a commercial colony with rigorous winters, the proportion of slaves ranged no higher than one or two per cent. of the population; New York, a cereal producing area, had in 1700 about 23,000 whites and 2,200 negroes, in 1756 about 85,000 whites and 13,500 negroes, and in 1790, 314,142 whites, 21,234 negro slaves and 4,654 free colored; Virginia, producing tobacco, with a moderate climate, had in 1700 about 70,000 whites and 8,000 negro slaves, in 1756 about 173,000 whites and 120,000 negro slaves, and in 1790, 442,117 whites, 292,627 negro slaves and 12,866 free colored; while South Carolina, which during the colonial period was mainly a sub-tropical rice-planting area, had in 1708 about 4,000 whites and 4,000 negro slaves, in 1750, 25,000 whites and 40,000 negro slaves, and in 1790, 140,173 whites, 107,094 negro slaves and 1,801 free colored. The results of the experiments during the colonial period went to show that negro labor could be used with profit only where the conditions were specially favor-

able for large-scale industry by unskilled gangs in a steady routine, and that such conditions prevailed in notable extent only in the regions southward of Pennsylvania. Though slavery was legal everywhere north of Mason and Dixon's Line, it was of slight and steadily decreasing importance as the basis of industry. Furthermore, north of that line the negroes were so few that their unregulated existence could never endanger the social safety of the whites. The Northern states, accordingly, were able to provide by law for the gradual dwindling and death of slavery, and meanwhile to permit their citizens to sell many of their slaves southward. Except in Massachusetts and New Hampshire, where to the general surprise of the people emancipation was accomplished by judicial decisions, each of the Northern states enacted provisions between 1777 and 1804 for the very gradual disestablishment of slavery within their respective bounds. Many of the Northern slaves were sent to swell the dimensions of the Southern problem. When the period of their emancipation came, those remaining in the North quietly assumed status as a lower caste in society, nominally free and equal to the whites but possessing rather limited privileges at the sufferance of the body politic, and actually submitting to heavy industrial and legal discriminations.

On the other hand, in the Southern states where gang labor in the plantation system was the mainstay of industry and commerce, and where the proportion of negroes in the population was generally large and in many localities almost overwhelming, the problem of doing away with slavery would have been extremely difficult in view of the double danger in prospect, industrial paralysis and social chaos.

The Grounds for Disapproving Slavery.

The serious, delicate and complex nature of the slavery problem was early appreciated in America, and almost from the beginning the principle was asserted that, for its own welfare, each colony should be vested with full control of matters regarding slavery and the slave trade so far as concerned its own territory. The refusal of the British government to permit the Virginia Assembly to restrict the importation of slaves was, for example, an important contributory cause in the movement for independence.

The grounds upon which men of the colonial and ante-bellum periods opposed slavery varied widely and were often unrelated to one another. They may be stated as follows: 1. The resentment of white laborers against negro competition. This was regardless of whether the negro workmen were free and unaided competitors or were protected in the interests of powerful masters by the ægis of slavery. John Adams very justly said:

"Argument might have [had] some weight in the abolition of slavery in Massachusetts, but the real cause was the multiplication of labouring white people, who would no longer suffer the rich to employ these sable rivals so much to their injury. This principle has kept negro slavery out of France, England and other parts of Europe."

2. A further ground was the tendency of the slave-holding régime toward lessening the thrift of the whites. For example, William Byrd, of Virginia, wrote in 1737:

"I am sensible of many bad consequences of multiplying these Ethiopians amongst us. They blow up the pride and ruin the Industry of our White People, who seeing a Rank of poor Creatures below them, detest work for fear it will make them look like Slaves."

3. The drain of money involved by the importation of slaves into each new industrial area. For instance, in 1785 to 1790 the conservatives in South Carolina politics favored the prohibition of the slave-

trade as a means of restoring prosperity in the state, in opposition to the radical programme of stay-laws and paper money. 4. The theory of the inherent rights of men, which was particularly influential during the revolutionary period. 5. The doctrine that slavery was antagonistic to the Christian principles of democracy, and the corrolary that by holding slaves men violated the supreme law and might be deprived of their usurped property without notice and without remuneration. This, together perhaps with the inherent rights doctrine, was the basis of the radical agitation represented by Wilberforce in England and Garrison in America for the immediate, universal and uncompensated abolition of the slave-trade and slavery. 6. The idea that the restraints of slavery were so irksome to the negroes that they were likely to revolt at any moment in a demand for freedom and in a spirit of revenge. This apprehension was the proximate cause of the agitation in the Virginia legislature of 1831-32 for the disestablishment of slavery.

The Anti-Slavery Movement of the Revolutionary Period.

Except in the case of the Quakers, who denounced it upon grounds of religion, humanity and justice, and who accomplished little in the period, the opposition to slavery prior to about 1760 was based mainly upon economic grounds and was met more or less effectually by counter arguments and by the firm refusal of the authorities to interfere with established institutions. During the Revolutionary period the champions of independence based their contentions mainly on inherent individual rights and were led to proclaim the universal validity of that doctrine with more or less earnestness. When questions of the rights of negroes as persons were raised, Washington, Jefferson, Madison, Mason, Henry,

Laurens, Gadsden and others promptly condemned slavery as being as unjust to the negroes as it would have been to white men, and declared their willingness to secure its abolition as soon as it could be accomplished with due regard to public safety. Jefferson wrote in his *Notes on Virginia,* in "Query 18":

> "With what execrations should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies. * * * And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That these are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever. * * *"

But in "Query 14" of the same book, Jefferson wrote a long catalogue of the negro characteristics which he thought would disqualify the race from mingling with white people as freemen in society, and practically committed himself against the general emancipation of the negroes unless they were promptly to be removed from the country.

The Conservative Reaction, 1790-1815.

This *impasse* confronting Jefferson confronted all the Southern opponents of slavery in this period. Their line of reasoning was: Slaveholding is wrong in theory and is particularly unjust in a nation championing the principles of human liberty; but, in the mass, the negroes are obviously and utterly unfit as yet for freedom and citizenship in a highly civilized self-governing society, while to deport them would endanger the existence of the negroes and cripple the prosperity of the whites. The outcome of the metaphysical discussion among the statesmen of the period was a realization that those who would destroy slavery and at the same time safeguard the general welfare must lay aside their anti-slavery

contentions until some great change in conditions should render their problem soluble. Meanwhile the great bulk of the people in daily contact with the negroes were not troubling themselves with much thought of the black man's wrongs; and the negroes themselves were concerned more with pleasures of the senses and emotions than with the problems of legal freedom.

It is curious that almost the only writer in the Revolutionary period who squarely upheld the institution of slavery was not a statesman but a historian. Bernard Romans, in his *History of East and West Florida* (London, 1776, pp. 104, 105), warned settlers against accepting the current disturbing doctrines and embarking upon costly experiments with European contract labor. He declared negro labor an essential of prosperity in the South, and chastisement to be necessary for the control of the perverse and indolent Africans. Without doubt, a multitude of other practical men, who, however, rarely used pens and never wrote printers' copy, were like Romans devoted to the policy of conservatism in racial adjustments. The tone of legislation in the Southern states has far more value in showing the public sentiment than have the expressions of the metaphysical statesmen of the period. For example, North Carolina in 1796 and 1801, Tennessee in 1801 and Georgia in 1801, passed laws restricting and hindering the private emancipation of slaves; and in the years following Gabriel's insurrection in 1800 all the commonwealths of the South strenghtened their legislation for keeping the negroes in subordination. Much the same reasons underlay these measures as prompted the Massachusetts act of 1798 and the Illinois act of 1818 restricting and discouraging the immigration of free colored persons into those states.

In a word, as soon as the excitement of the Revolutionary times was over and the body politic began to set its house in order for everyday life, even the theorists stopped questioning the infinite, and the people in the negro districts proceeded much as they had done in colonial times. Two unconnected developments in the period following 1790 added great strength to the reactionary movement. First: The established régime in San Domingo was upset by the reckless decrees of the revolutionary French government, and the mulattoes and then the negroes rebelled and spread rapine throughout the island. Under their ex-slave general, Toussaint L'Ouverture, they defeated every expedition against them, drove practically all the whites from the island, and established an era of alternate truce and internecine war which has continued to the present day. Hundreds of exiled whites fled in 1792 and after to the continental seaboard and by word of mouth heightened the effect of the lurid accounts which the current prints were already spreading. The main tendency of this, of course, was to tighten police restrictions upon the negroes. Second: Still more important in the trend of events was Whitney's invention of the gin in 1793, which led to the amazingly rapid growth of the huge cotton industry, greatly heightening the value of all labor in the region of long summers, and intensifying the interest of slaveholders in insuring the permanent control of their labor.

The effects of the San Domingan cataclysm and the invention of the gin is palpable: No state which had not prior to 1805 provided for the death of slavery within its bounds ever did so thereafter by its own legislation; and after 1795 no legislation thought to be unfriendly to the slaveholding interests ever passed Congress unless by overriding the op-

position of the solid South. The act of 1807 prohibiting the foreign slave trade does not conflict with this latter statement, for at the time the act was expected to increase the value of the slaves on hand and thereby conduce to the profit of the established black belts, and to the disadvantage only of the undeveloped Southwest.

The Problem of Intersectional Adjustments in the Period from 1815 to 1861.

When the peace of 1815 removed foreign complications and internal problems became of paramount political importance, the delicacy of the sectional adjustment under the constitution and Federal laws began for the first time to be seriously appreciated. Issues involving slavery were now to be threshed out exhaustively in Congress and in the newspapers.

The provisions affecting the slaveholding interests are familiar to every reader: That Congress might not prohibit the foreign slave trade before 1808; that Congress must provide for the interstate rendition of fugitive slaves; that the ratio of proportional representation among the states in the lower house of Congress and of the assessment of direct taxes should be based upon the whole free population plus three-fifths of the slaves. In the generation of the "Constitutional Fathers" the important measures passed by Congress were: The Northwest Territory Ordinance of 1787, which excluded slavery from the region north of the Ohio River, and the act of 1793, which with only partial thoroughness provided for the rendition of fugitive slaves. That these provisions, whether in the constitution or in the statutes, were in the nature of a compromise, was fairly understood in the period. James Madison prophesied even during the convention of 1787 that the prospective clash between the interests of the

slaveholding states and those of homogeneous white population furnished the one ground of ultimate danger to the Union. So long as foreign affairs absorbed most of the public interest, there were but few wrangles in Congress to justify Madison's prediction; but as soon as external peace was established, internal sectional strife began, and Mason and Dixon's Line became the most famous boundary in America.

The Crucial Problem of Controlling the Senate.

The United States constitution nominally establishes a government "of the people, by the people and for the people." It really provides for a government of the people, by the political majority, in behalf of the interests which control that majority. As soon as the divergence of sectional interests and the clash of policies become patent, the politicians and the people saw that the crux of their political strategy lay in controlling the majority in Congress. The South and North had originally been assigned an equal representation in the Senate, but the North was given a slight preponderance in the House. As the decades passed and the tide of European immigrants poured into the regions of wage-earning industry, the North steadily and rapidly increased its House majority and the slave-employing South was barely able to hold its equality in the Senate. There was no danger of the South overriding the North by congressional measures, but there was a lively prospect of the North becoming able and quite possibly willing, to inflict its preferences upon the dissenting South. Among Southern politicians it became a vital, and later, a desperate problem to find means to maintain or restore the sectional balance and safeguard their constituents against threatened and perhaps irremediable oppression. Senatorial

representation accordingly became the fundamental issue between the sections. The matters of negro colonization, of maritime and diplomatic adjustments, of anti-slavery petitions, of propaganda in the mails, of fugitive slave rendition, of the regulation of interstate slave trading and of slavery and the slave trade in the District of Columbia, all depended for determination upon the sectional control of the Senate; and the issue of slavery in the territories obtained its crucial and fundamental character because and only because it involved the great problem of maintaining or upsetting the senatorial balance.

This fact will bear repeating: That the South alone stood in danger from a rough-shod majority. The North could not possibly have had a reasonable fear of aggression by a crushing block of Southern votes. There was no political solidarity in the North because its people were too secure in their interests to feel the need of forming a sectional phalanx. In not a few instances, however, the politicians raised the cry of wolf when there was no wolf. As is not unusual in American politics, they used fallacious arguments as readily as sound ones. For example, in a Massachusetts memorial of 1819, Daniel Webster denounced the extension of slaveholding territory on the ground that it would increase the slave population and therefore increase the proslavery membership in the Federal House of Representatives. Surely Webster did not himself believe that slaves carried westward could swell the population of the new states without diminishing that of the old. To frighten the worshippers of nationality into attentiveness to their propaganda, the Garrisonians brought out the stage-dragon of secession from the political property room, petitioning Congress in 1842 and 1844 to dissolve the

Union and declaring disruption preferable to a continuance in a union with sinful slaveholders.

Anti-Slavery Societies.

The history of the slavery issue in the period of bitter wrangling is largely concerned with the doings of the propagandist societies. Some recent critic of manners has remarked that when three Americans find they have a common origin, similar characteristics or kindred opinions, they promptly adopt a constitution and by-laws, elect officers and begin to extend the membership. Then comes the federation of clubs; the establishment of an organ; and the holding of conventions for jubilation and the adoption of a programme. This great habit of founding societies for any and all purposes hardly prevailed either in Europe or America before the middle of the Eighteenth century. In the Revolutionary period the custom grew frequent, of launching new theories of social fundamentals upon short notice, and founding societies to support each "ism." In the history of club movements since that time, abolitionism plays a leading rôle.

The names assumed by the several groups of anti-slavery societies did not always denote the special nature of their policies. Between 1774 and 1792, a large number of so-called abolition societies were founded in America, but their purpose was merely to promote the gradual decline of slavery, and they nearly all disbanded in discouragement at the reactionary trend of public opinion about the close of the century. The British "Society for Abolishing the Slave Trade," founded in 1787, accomplished the abolition of the traffic in British vessels; and, furthermore, it founded a free-negro colony at Sierre Leone, which in spite of its own ill success suggested the scheme of colonization to the problem-

solvers in the United States. The "American Colonization Society" was launched in 1816 for the purpose of promoting harmony as well as for relieving the negroes. The colony of Liberia had many vicissitudes and little success, and the society shortly fell into innocuous desuetude.

The Garrisonian Agitation.

In 1830-31 the preceding movements were overshadowed by the Garrisonian agitation for the immediate, universal and uncompensated abolition of slavery. With the *Liberator* as its organ and a widely extended federation of "anti-slavery societies" promoting it, root-and-branch abolitionism forced itself into immediate consideration as the most serious menace to the established institutions of the South. The tone of this Garrisonian propaganda may be gathered from the following "texts" selected from contemporary writings, and printed with approval at the head of the editorial columns of the *Liberator*. The two here given are from the writings of the Rev. George Bourne and were printed in the issues of December 24 and 31, 1831, respectively:

"XVII. 'We assert, that no slaveholder is innocent; that he is an unjust, cruel, criminal kidnapper, who is guilty of the most atrocious transgression against God and man; that it is the most infatuated delusion for such men to believe, or the most impudent hpyocrisy in them to profess themselves innocent; * * * that the general management of the slave is a complication of indescribable barbarity; * * *'"

"XVIII. '* * * The system is so entirely corrupt that it admits of no cure but by a total and immediate abolition. For a gradual emancipation is a virtual recognition of the right, and establishes the rectitude of the practice. If it be just for one moment, it is hallowed forever; and if it be inequitable, not a day should it be tolerated.'"

The Radical Political Abolitionists.

The early Garrisonian movement fell in a time when there was much prophesying and much following of prophets. There were agitators for Jack-

sonian Democracy, the extension of the suffrage, anti-Masonry, women's rights, Owenism, and many other legal and social reforms, for Unitarianism, Transcendentalism, Mormonism, and the Campbellite movement, as well as for the abolition of negro slavery. With such a clamoring of prophets, there was sure to be schism in many of the reform groups. The principal division which befell the Abolitionists was upon the question of participating in or abstaining from party politics. Garrison impressed his closest followers with the notion that the U. S. constitution was a league with Hell and they avoided the contamination of the ballot box. The faction led by Birney, Gerrit Smith and the Tappans, somewhat more practical in their methods, broke away in 1838, founded a separate federation of societies and constructed party machinery for operation in Federal politics. Birney, nominated by the Liberty Party for President, received 7,059 votes in 1840 and 62,300 in 1844. In 1848 the Liberty party merged with the Van Buren machine and the resultant Free Soil party cast 291,263 votes for Van Buren; but in 1852, with a platform denouncing slavery as "a sin against God and a crime against man," the vote for their presidential candidate, T. P. Hale, fell to 156,149. After 1854 the political abolitionists went into the Republican party, which supplanted the Free Soil organization. However, they retained their federation of local societies and in some degree their independent political machinery, and thereby exerted a powerful influence on the Republican party and greatly heightened the effect of their menace to the South.

The transactions of a convention held in 1855 show the attitude and policy involved. The official documents of the convention were published with the title: "*Proceedings of the Convention of the*

Radical Political Abolitionists, Held at Syracuse, N. Y., June 26th, 27th and 28th, 1855. *Slavery an Outlaw and Forbidden by the Constitution*" (N. Y., 1856). At the beginning of this pamphlet is printed the call for the convention, issued the preceding April, signed by Lewis Tappan, William Goodell, Gerrit Smith, Frederick Douglass, and others. It recites that the Whig, Democratic and Know-Nothing parties, by reason of their composition, will not attack slavery; that the Free Soilers oppose the extension of slaveholding but deny the right of the Federal government to touch slavery in the states or to admit the right of the slaveholders to claim every state government as their servant in slave-catching; and that the Garrisonian abolitionists, while laboring to abolish slavery, are unwilling to employ political power to this end and even seek to bring about secession and leave to the slaveholders their power of oppression. The "Liberty Party," however, which the convention is called to reorganize, "is the only political party in the land which insists on the right and duty to wield the political power of the nation for the overthrow of every part and parcel of American slavery." Next follow a declaration of principles, an exposition of the duty of the Federal government to abolish slavery, an address to the people of the United States, a platform and the minutes of the convention. The "declaration" contends that the "Constitutional Fathers" did not establish slavery by law and that if they had done so it would be the duty of the present generation to use the constitution according to its "*righteous*" language and against their unrighteous intentions. (All present italics are those of the original). It declares:

"We believe slave holding to be an unsurpassed crime, and we hold it to be the sacred duty of civil government to *suppress* crime. * * * We consent to no dissolution [of the Union] which would leave the slave

in his chains. * * * The ground which we occupy is to us *holy* ground; the ground of the *true* and of the *right*. * * * marked out by the divine law of loving our neighbors as ourselves. * * * We call on all the friends of pure religion and of our common country to come to the rescue and cast in their lot with us in this great struggle. * * * We are resolved to go forward."

A typical item from the convention's exposition of the government's duty is the following: Slavery is an attainder because it imposes disabilities on the child on account of the condition of the parent; the Federal constitution forbids bills of attainder; therefore it forbids the maintenance of slavery. The exposition concludes with the contention that Congress may abolish slavery in the states by virtue of the general welfare clause in the constitution. In their address to the people of the United States, the imprisonment by Southern states of persons inciting slaves to escape is denounced and a claim of immunity for such agitators is made on the ground that citizens of each state are entitled to all the constitutional privileges of the citizens of the several states. Fugitive slave laws are declared an outrage because slavery is an outrage, and such laws should be trampled underfoot as unlawful because they are a part of the slaveholding system. In conclusion, the formal resolution or platform adopted by the convention set forth: (1) That experience has proved there is no way of getting rid of the evils incidental to slavery except by ridding the country of slavery itself; (2) That the party rejects as useless all schemes for limiting, localizing or ameliorating slavery, and all measures which do not look directly to the immediate and unconditional repression of slavery in all parts of the country; (3) That it opposes the exportation of colored persons; 13. "That while we believe much in *moral suasion,* as persuading to efficient *action,* we also insist that without such action it loses its power;"

20. That the party will use every effort to annihilate the abominable spirit of caste against the colored people.

The Trend of Southern Reaction, 1830 to 1860.

The platform of this convention expressed what the Southerners had long and anxiously dreaded as the real principles and policies of the Abolitionists. The rise of such radical propaganda naturally produced a reaction of sentiment in the slaveholding sections, the stages of which are recorded in numerous contemporary utterances. Professor Dew's famous essay on slavery, 1833, was rather a guide to public opinion than an index of it; but that the ideas expressed by Dew were common to thinking men is shown by the following editorial on the subject of the *Liberator*, published in the *Federal Union*, of Milledgeville, Ga., a leading organ of Southern sentiment, in its issue of Jan. 12, 1832:

"We censure no man for an enthusiastic devotion to the abstract doctrines of universal liberty, and perfect equality. They are beautiful and just in theory: but they are impracticable in the present state of the world. In a society constituted of the best materials, and most happily organized, inequalities in the conditions of different men will of necessity be produced, by differences in their talent and industry, and in the fortuitous circumstances which befall them in life. * * * In the present condition of the Southern states, a condition for which no living men are accountable, the propriety of a general emancipation of their slaves cannot for a moment be admitted by the wildest visionary. To release hundreds of thousands of human beings from those restraints under which alone they have been accustomed to labour; to disgorge on society hundreds of thousands of paupers, who are averse to labour, would produce scenes of indolence and confusion, and wretchedness, and ruin, such as have never been witnessed on earth. But the paper published at Boston, whose name we have placed at the head of this article, has not the apology of a generous devotion to this philanthropic but impracticable theory. It breathes a spirit of rancorous hostility to the white population of the South, instead of that expansive benevolence which seeks the welfare of the whole human family. It aims not, by the arts of peace, by the voice of reason and of virtue, to improve the condition of mankind; but it strives to kindle the revengeful passions of our colored population, and to incite them to the most fatal convulsions. We do not believe that the *Liberator* will produce any effect; but if it exert any in-

fluence over the white population, it will be to make them more suspicious of their slaves, more watchful, more stern and more inexorable in their public policy and their domestic government: if it exert any influence over our slaves, it will be to increase and foment their discontents, and to goad them to insurrections and massacres, which cannot fail to be visited with severe and direful retribution on their own heads. * * *

The phase into which the opinions of the thoughtful slaveholders had developed in 1840 is exemplified in the following extracts from the letters of Dabney, in T. C. Johnson's *Robert Lewis Dabney*, pages 67, 68:

" * * * Before the abolitionists began to meddle with our affairs, with which they had no business, I remember that it was a common opinion that domestic slavery was at least injudicious, as far as the happiness of the master was concerned. I do believe that if these mad fanatics had let us alone, in twenty years we should have made Virginia a free state. At it is, their unauthorized attempts to strike off the fetters of our slaves have but rivetted them on the faster * * * the change of public opinion in the South, favorable to the continuation of slavery, doubtless arose partly from free discussion. We have investigated the subject, and we find emancipation much more dangerous than we had before imagined. Who knows but that this uproar of the Abolitionist, which has almost broken the ties of our political union, and thrown back the poor slave from his hope of approaching emancipation at least half a century, which, in short, has been to our view productive of nothing but evil, may have been designed by Providence as a check upon our imprudent liberality. * * * But yet I do not believe that we ought to rest contented that slavery should exist forever, in its present form. It is, as a system, liable to the most erroneous abuses. * * * While abolition is impossible, yet I believe much might be done to modify the system and remove abuses (of which the greatest is the domestic slave trade), while we retain the good parts of it."

As the years passed and the abolitionist denunciations grew more bitter, and the Northern public appeared to incline toward the adoption of the anti-slavery cause, the tone of Southern public opinion grew more decidedly reactionary. The dread of social wreck and rapine, as the result of radical abolition, so greatly outweighed the ills of the existing system that by contrast slavery seemed a positive good. An index to the progress of this doctrine is the essay written in 1845 by James H. Hammond, a leading South Carolina politician, in which he op-

posed the resort to abstract theory, favored the exclusion of the rabble from political power, compared the condition of Southern slaves favorably with that of English and Northern laborers, and praised the slavery system as developing the best in the negroes without lowering the character of the whites. Even so well poised a man as Calhoun adopted this argument of the "positive good" of slavery; and where Calhoun led, tens of thousands followed. For campaign purposes all qualifying clauses were dropped and slavery was proclaimed a sound institution which ought to be maintained against all attacks, permanently if need be, or at the least until quieter times should return and the Southern people be able to consult peacably with themselves and remodel their adjustments with the negro population.

The calamitious nature of the prospect for the South in case the abolitionists should commit the Federal government to their policies was seen vividly by Calhoun; and the course of developments to be expected in that dread event was described by him in a memorial to the Southern people in 1849, signed by a large number of the Southern delegation in Congress. When read with our present knowledge of what actually occurred in the reconstruction period, the correctness of Calhoun's prophecy seems little short of supernatural. An excerpt from the address follows (*Calhoun's Works,* Vol. 6, pp. 310, 311):

" * * * If it [emancipation in the South] ever should be effected, it will be through the agency of the Federal Government, controlled by the dominant power of the Northern states of the Confederacy, against the resistance and struggle of the Southern. It can then only be effected by the prostration of the white race; and that would necessarily engender the bitterest feelings of hostility between them and the North. But the reverse would be the case between the blacks of the South and the people of the North. Owing their emancipation to them they would regard them as friends, guardians, and patrons, and centre, accordingly, all their sympathy in them. The people of the North would not fail to

reciprocate and to favor them, instead of the whites. Under the influence of such feelings, and impelled by fanaticism and love of power, they would not stop at emancipation. Another step would be taken, to raise them to a political and social equality with their former owners, by giving them the right of voting and holding public offices under the Federal Government. * * * But when once raised to an equality, they would become the fast political associates of the North, acting and voting with them on all questions, and by this perfect union between them, holding the white race at the South in complete subjection. The blacks, and the profligate whites that might unite with them, would become the principal recipients of Federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale. We would, in a word, change conditions with them, a degradation greater than has yet fallen to the lot of a free and enlightened people. * * *"

The final stage of policy in public affairs, among men who were more ready in action than in thought and foresight, is shown by the following editorial from the Montgomery, Ala., *Mail,* reprinted with comments in the Atlanta *Intelligencer* of Jan. 11, 1860:

"'We observe that meetings of citizens are being held in many of the counties of the state of Georgia for the appointment of Vigilance Committees and to adopt measures for the protection of their respective communities against abolitionist emissaries. The last *Americus Republican* contains the proceedings of two such meetings, one held in that city on the 22d and the other at Preston, in Webster county, on the 21st. Both meetings adopted appropriate resolutions and appointed Committees of Vigilance, embracing many of the leading citizens of these counties.'

"We clip the above from the Montgomery, Ala., *Mail.* The exigencies of the times demand that the strictest vigilance should be observed in regard to all suspicious characters. We have among us a host of drummers, lecturers and others, travelling through the country, many of whom are honest and trustworthy. Others are wolves in sheep's clothing, sent among us to spy out our liberties and sow the seeds of disunion and insubordination among a certain portion of our population. Let all such be strictly watched, and if found guilty of interfering with our local institutions let tar and feathers or hemp be their reward."

The Aggressive Strategy of the Abolitionists.

In the three decades of embittered contention over slavery, the root-and-branch abolitionists, in addition to their activity at the polls and on the floor of Congress, developed four principal methods of as-

sault on the slavery system: They scattered incendiary doctrines among the negroes; they petitioned Congress for hostile legislation; they aided fugitives to escape re-capture; they colonized voters in doubtful territory.

For many years before the radical agitation began, the slaveholding commonwealths had maintained laws penalizing any incitement of the slaves to revolt or to flee from service, and it was obviously dangerous for abolitionists to agitate within the reach of such statutes. The rise of emergencies nearly always led promptly to the stiffening of these regulations; and such changes in the black codes usually brought outcries from the abolitionists of the North. An instance is the South Carolina legislation of 1822 and 1823 (impelled by the occurrence of the Denmark Vesey plot), which provided for the more stringent policing of free persons of color and forbade, under penalty, the entrance of such persons into the state. The act of 1823 specially provided that if any ship should enter a port of South Carolina with a free person of color on board, such person should at once be put in jail and kept there until the ship was ready to sail. The abolitionists, of course, denounced this legislation. By dint of persistence, they persuaded the Massachusetts legislature, in 1836, to send Samuel Hoar to South Carolina as a commissioner to bring a case into the courts and carry it on appeal to the Supreme Court of the United States, and thereby have it annulled as unconstitutional on the ground of its being a violation of the rights of the citizens of the several states. On reaching Charleston, Hoar found his mission so obnoxious to the populace that in fear of mob violence he departed.

Incendiary Documents in the Mails.

There were occasioned reports of the arrest of suspected abolitionists in the South, but before the day of John Brown at Harper's Ferry very few of the agitators really risked their own persons. The black codes made personal agitation among the slaves perilous. Their principal field of work was the circulation of printed matter; and this brought up the issue of incendiary documents in the mails. From 1830 onward there were occasional commotions in the South over the discovery of incendiary publications in transit. Most of these were simply newspapers with wood cuts of negroes under the lash, in chains or on the auction block, together with declarations against the sin of slaveholding. The publication which caused the greatest excitement was the pamphlet *Appeal,* by the negro David Walker, printed in 1829, urging the slaves to rise in insurrection. In July, 1835, self-appointed committees in a number of places seized all the abolitionist publications in the local postoffices, usually with the consent of the postmasters, and destroyed them in public bonfires. The Charleston postmaster requested the New York postmaster to stop forwarding such matter, and after a futile appeal to the anti-slavery societies to stop putting their documents in the mails for the South, the matter went to the postmaster-general, Amos Kendall. Kendall refused to issue formal instructions in the premises but sent the Charleston postmaster a virtual approval of the policy of censoring printed matter in the mails. In his annual message President Jackson soon after advised Congress to enact a law that publications regarding slavery should not be delivered by the postoffice in states prohibiting their circulation. In 1836 Calhoun introduced a bill to restrict the postoffice in circulating incendiary pub-

lications, but it was defeated in the Senate. Aided by a willingness of the local postmasters to search and censor the mails, informal vigilance by the citizens continued to be the only check maintained upon the circulation of the abolitionist publications.

Anti-Slavery Petitions in Congress.

Their organization into societies enabled the anti-slavery people to meet the large expenses of printing and postage without heavily burdening individuals, and in many other ways aided the radical agitation. These societies particularly promoted the work of the "Underground Railroad" and facilitated the preparation of petitions to Congress and their signature with hundreds of thousands of names.

The petitions episode was one of insignificant beginnings but of conspicuous development and large consequences. In December, 1831, John Quincy Adams, then a new member of Congress, introduced into the House a batch of petitions praying for the abolition of slavery in the District of Columbia, saying at the time that he acted merely as the agent of his constituents and deprecated the purpose of the petitions as leading to ill will and no good result. These and other similar petitions following were referred to the committee on the District, which reported unfavorably on the large number given to their consideration. After February, 1833, there was a perfect hail of these memorials and to relieve the committee of its burden the House began to lay them upon the table as received. To systematize this procedure, in the spring of 1836 the House resolved that thereafter all petitions referring to slavery or the abolition thereof should be laid upon the table without discussion or publication. About the same time the Senate resolved to answer every

petition with a set formula: "That the prayer of the petition be not granted." Henry A. Wise, of Virginia, explained the grounds of the Southern attitude in the House in 1835:

"Slavery, interwoven with our very political existence, is guaranteed by our Constitution, and its consequences must be borne by our Northern brethren as resulting from our system of government, and they cannot attack the institution of slavery without attacking the institutions of our country, our safety and welfare."

The House and Senate rules shutting off debate were not adopted without a contest. The quarrel in the House was particularly hot and stubborn. At an early stage James Buchanan made a prophetic remark, far above his usual standard:

"Let it be once understood that the sacred right of petition and the cause of the abolitionists must rise or must fall together, and the consequences may be fatal."

The work of John Quincy Adams was to accomplish this union of anti-slavery doctrine and the right-of-petition in public opinion. The popular right of petition was not really endangered at the time; but Adams saw fit to believe that it was, and he justly won the title of "Old Man Eloquent" in his denunciations of the "gag-laws," and every stroke made against the policy of restricting debate was effectually a stroke in aid of the abolitionist agitators. Early in the course of the debate Henry Clay had contended that it was wiser to leave congressional discussion free as an escape valve for popular excitement; and several representatives from the lower South voiced the same opinion. The director of the gag-law was Calhoun, for once in his life short-sighted. Everyone that he could control he whipped into line, whether Southerner or Northener, and thereby made it appear that a proslavery phalanx was overriding Northern liberties.

In forcing the adoption of the gag-rules Calhoun won a tactical victory similar to that of George III.

in excluding John Wilkes from a seat in the House of Commons. When public sentiment finally overwhelmed the king's obstruction and seated Wilkes, it promptly became evident that Wilkes had no disturbing message to utter. The gag-rules were proven futile before they were discarded. The abolitionists caused the state governments of Massachusetts and Vermont to present anti-slavery memorials which could not be treated with silent disapproval; and the anti-slavery Congressman used any and every occasion to drag in denunciations of slaveholding and all the pro-slavery policies. Joshua Giddings was censured by the House in 1842 for violating the gag-rule. Giddings promptly resigned his seat and was as promptly re-elected by his Ohio constituents. The gag-law had been renewed in the rules of each new Congress, but by constantly decreasing majorities. At length in 1844 Adams succeeded in striking it from the rules of the House and it was never revived.

So long as the gag-rules were in effect, the societies kept up a heavy bombardment of Congress with their petitions. As soon as they were removed, the petitions against slavery were found to be hardly worth while as affording substance for discussion. The bombardment promptly flagged. In 1853, with little protest, the House provided in a new set of rules that no petitions on any subject should thereafter be presented in the open House but they must be deposited with the clerk and by him handed to the proper committees. From that day to this petitions have never come before the House at all except upon the report of a committee, and no one has found a grievance in this later gag-rule. As to the abolitionists, after 1844 they lost much of their interest in the right of petition and

diverted to other phases of their policy the public favor the gag-law episode had won them.

The Fugitive Slave Problem.

The problem of interstate and intersectional rendition of fugitive slaves was one of the most delicate which ever confronted American legislators and executives. The duty of Congress and the several states, under the constitution, was to prevent the escape of slaves across the state lines and to provide for their rendition to their lawful owners upon demand. This obligation was agreed to by every state upon entering the Union, and the states could not legitimately be relieved of it except by amendment to the constitution. On the other hand, the laws must safeguard free persons from being kidnapped and reduced to slavery under pretence of their being fugitives from service. As to the vesting of power and responsibility in the premises, the constitution was vague. Unless the Federal and state governments worked out a harmonious and efficient system, there would be perpetual wrangling over constantly recurring issues. Furthermore, all this delicate adjustment must be made and maintained in the face of any clash of theories or policies which might arise between the states or sections. The constitution, as an interstate compact, left no discretion to Congress or the state governments as regards fugitive rendition, and permitted little readjustment to fit changing ideas and needs.

In the first years under the constitution a clash of policy as regards rendition and kidnapping arose between the governments of Virginia and Pennsylvania. When appeal was made to President Washington for support he referred the general problem to Congress. The result was the enactment of the law of 1793. This act empowered the owner or his

agent to seize an alleged interstate fugitive slave, permitted ownership to be proven by an affidavit of the captor before practically any court near the scene of the capture, and required the magistrate thereupon to issue a certificate giving title. It also penalized the concealment of a fugitive or any interference with his capture, by a fine of $500. The fundamental defect of this law was that it entrusted the administration of Federal legislation to state officials over whom the Federal government had no control. The act soon proved unsatisfactory on both sides. It did not effectually prevent the kidnapping of free negroes, nor did it insure the interstate rendition of fugitives. Public opinion in the free states hindered the law's operation. The courts of the free states disrelished the duty of enforcing an obnoxious Federal law; and by technicalities, mainly hinging on the writ of habeas corpus, many difficulties were thrown in the way of slave rendition. An effort made in 1817 to increase the efficiency of rendition was defeated, and no change in the statute was made until 1850.

State Interferences With Rendition.

As the years passed the difficulties increased. Slave prices in the lower South rose to very high levels, and the kidnapping of free negroes in the border states became extremely tempting to men of lawless inclination. On the other hand, the growth of anti-slavery sentiment in the North increased the popular activity in hindering rendition, and even in defying the law outright. Some of this obstruction was informal and either secret or tumultuous, while some of it took the deliberate form of state enactments professing to supplement the Federal statute, but really thwarting its provisions and purpose. An Indiana law of 1817, for example, forbade rendition without jury trial. A Pennsylvania statute of 1825-6

debarred the evidence of the owner or his agent in proving title. And a New York act of 1840 went so far as to require jury trial, provide the alleged fugitive with counsel and levy damages of $100 upon the captor for the benefit of the alleged fugitive in case of failure to prove title. The validity of such acts was tested before the United States Supreme Court in the case of Prigg *vs.* Pennsylvania, 1842. The decision of the court was that the Pennsylvania act was unconstitutional and that legislation on the subject lay within the exclusive scope of Congress; but that Congress could not impose the duty of executing Federal laws upon state officials. This decision was not a crushing reverse for the abolitionists. They promptly caused the Massachusetts and Vermont legislatures to enact laws, 1843, prohibiting state officials from executing the fugitive slave law and forbade the use of state jails for the detention of fugitives. Pennsylvania and Rhode Island passed similar acts in 1847 and 1848.

The Underground Railroad.

Meanwhile the abolitionists were also systematizing their work of persuading slaves to flee from service and assisting them to make good their escape. The "Underground Railroad" developed secretly, enlisting many "conductors" and "station masters" in its unpaid and illegal service and establishing a network of routes by which fleeing negroes, once having crossed the Maryland border or the Ohio River, were expedited in their flight across the Northern states. On their journey they were welcomed only as transients on their way to Canada, where they might obtain a permanent though not a hospitable asylum. It has been estimated that between 1830 and 1850 as many as 50,000 slaves were successfully spirited out of danger of recapture

through the services of this "Underground Railroad." In a few cases the agents of this somewhat informal organization were caught by officials of the law and prosecuted. In 1841, Burr, Work and Thompson were seized in Missouri and sentenced to twelve years' imprisonment for inciting slaves to escape. In 1840, John Van Zandt was detected aiding the escape of fugitive slaves in Ohio and suffered judgment of $1,200 as damages to the owner of the slaves. An appeal to the United States Supreme Court failed to reverse this judgment, 1847; but an appeal to public sentiment in Ohio made Van Zandt a martyr and a hero. The temper of the abolitionists and their friends was defiant of the law, and every appeal of the slaveholders for legal protection strengthened the degree and widened the spread of the feeling of outrage in the North.

The Rendition Act of 1850.

By 1850, the paralysis of the rendition system had reached such a stage that a revision of the Federal law was imperative. This problem was but one of a large group of sectional issues to be dealt with at the time; and as the result of a sort of bargain between the sections, the South secured a more efficient rendition law in exchange for her consent to the admission of California with a non-slavery constitution and to the prohibition of the slave trade in the District of Columbia. In this bargain the South was the loser, because the concession it received could be nullified by conspiracies and tumults among the Northern people, while the concessions it yielded were of a sort which practically could not be nullified or recalled.

The final act of 1850 for the interstate rendition of fugitive slaves repeated the provisions of the act of 1793 so far as concerned the acceptance of the affi-

davit of the claimant as sufficient proof of ownership; but it made the innovation of transferring the jurisdiction in fugitive slave cases from state courts to Federal courts and commissioners appointed by them; and it made United States marshals responsible under a penalty of $1,000 for the execution of warrants under the statute and for the custody of captives. It debarred the testimony of the alleged fugitives in the trials; it made the seal of the court such conclusive evidence of title that captives were deprived of resort to the writ of habeas corpus; and it fixed the fees of the magistrate officiating at $5 in case the decision were in favor of the negro and at $10 if in favor of the claimant.

"Uncle Tom's Cabin."

The act as a whole manifestly and professedly made the United States government an agent of the slaveholders in recapturing their slaves. As such it was not out of keeping with the established Federal constitution and laws; and yet as a practical policy its wisdom was doubtful at best. In fact, the operations of the "Underground Railroad" were stimulated by the act, and riots began to occur upon sundry occasions for the rescue of slaves from arrest and rendition. Garrison's *Liberator* and the *National Era* of Washington published reports of all such and gave conspicuous praise to the lawbreakers. There was a huge crop of pamphlets, the greatest of which by far was that by Harriet Beecher Stowe, *Uncle Tom's Cabin,* first published in the *National Era* in 1851, and then issued in book form to the extent of nearly 500,000 copies within the decade. Multitudes of readers who could not have been reached by politicians or by frankly political pamphlets eagerly drank in Mrs. Stowe's emotional description of the negroes as a highly religious and

moral people, who differed from high-grade white men and women, not in intelligence nor in sentiment, but merely in the color of their skin; and these multitudes gathered by inference that the fugitive slave law was an unexampled atrocity, worthy of no man's countenance. Whatever might have been said in reply could obtain no hearing from the thousands who became imbued with Mrs. Stowe's philosophy. If slaveholders admitted that their system had its evils, they were denounced for not overthrowing it at once and forever; if they denied its evils, they were damned as incorrigible tyrants who must themselves be trampled underfoot with all their works, in the advancement of the cause of liberty. State enactments impeding the execution of the Federal law, more drastic than those characteristic of the preceding decade, were made by Vermont, Rhode Island and Connecticut in 1854, by Maine and Massachusetts and Michigan in 1855, by Wisconsin and Kansas in 1858, Ohio in 1859, and Pennsylvania in 1860. These acts required testimony by two witnesses to prove ownership, provided gratuitous legal services by state officers on behalf of negroes in custody, and penalized the unsuccessful claimants of alleged fugitives. An anti-rendition machine grew up for the purpose of liberating slaves and not wholly without the purpose of exasperating and harassing the slaveholders.

The Fire-Eaters.

Had the loss of wealth involved in the escape of slave property been the sole issue, the South might have gained its end better by maintaining a heavy frontier police all along its borders. But the policy of enforcing the maintenance of a Federal rendition system had its source more in sectional political friction than in economic considerations. This is

evidenced not only by the course of the debates, but also by the fact that the cause was more vigorously championed by men from the lower South, which lost very few slaves, than by the spokesmen from the border states, from which slaves were more or less constantly escaping across the line.

By the middle forties Yancey, Rhett, Quitman, and other Southern extremists, the "fire-eaters," had already reached the belief that the permanence of the Union on a basis of equity to the slaveholding South was impossible. They believed it only a question of time when the North would become thoroughly tyrannical over the outvoted South and would destroy all effective provision for Southern self-government. They accordingly thought it the soundest policy to arouse the people and hasten the final arbitrament. With the fire-eaters the insistence upon rendition was part of a provocative program. With more moderate men the same policy was approved, in partially blind resentment, as a show of resistence to Northern aggression. To state, as do most of the standard historians, whether expressly or by innuendo, that this and the policy of slavery extension in the territories were gratuitous aggressions of the South, would show a grievously biased reading of the documents.

In 1858 the Fugitive Slave Act of 1850 was tested before the Supreme Court of the United States in the case of Ableman *vs.* Booth. The court unanimously decided that the act was constitutional and the state attempts to nullify it unconstitutional and of no effect. But by this time the agitation of the people had passed the stage where court decisions could be of any avail except as contributing material for partisan arguments.

The Issue of Slavery in the Territories.

The final crux of sectional antagonism came in the issue of the territorial expansion of the slavery system. The vital character of this problem had not been perceived at the time of the Northwest Territory Ordinance, 1787, and in fact did not appear vividly until the Missouri Question was stumbled upon by the politicians. At that time such a vista of future conflict was revealed by the discussion that all parties hastily agreed to patch up a settlement and shut the frightful prospect from view. This compromise of 1820 admitted Missouri as a slaveholding state, but prohibited slavery in all the rest of the territory of the Louisiana Purchase north of latitude 36° 30′.

Up to this time states had been admitted to the Union in pairs, so as to maintain the Senate balance between the "slave" and "free" states; but after the lapse of two decades more the prospect for the South became very gloomy in this regard, and her champions began to grow desperate. After the admission of Arkansas in 1836 there was no more territory but Florida for pro-slavery colonization, while the non-slavery preserves on the other hand embraced the immense Northwest, stretching from Illinois and Missouri to faraway Oregon. The acuteness of the situation was temporarily relieved by the Texan annexation in 1845; but Texas, huge as she is, was not adequate to maintain the equilibrium.

The Wilmot Proviso.

The definitive struggle was opened by the Wilmot Proviso, interrupted by the Compromise of 1850, and reopened as an irrepressible conflict by the Kansas-Nebraska act. Incidental were the filibustering expedition for Cuban annexation in 1850, the Ostend Manifesto of 1856 urging the seizure of Cuba

by the United States government, the proposals in Southern commercial conventions of 1855-60 for reopening the Africa slave trade, and the Dred Scott decision and dictum of 1857, by which the problem-solvers on the supreme bench tried to remove the territorial issue from politics. The first three of these projects were supported only by a few extremists in each instance, such as Quitman in the first case, Mason and Soulé in the second, and Spratt and De Bow in the third. The project of reopening the African trade was intended to enable the South to colonize more territory with actual slaveholders, but it was everywhere rejected as involving too much disturbance of the established Southern industrial order. Moreover, as a matter of practical politics it suggested little hope of success. The Dred Scott item was more important because it offered a plausible method of promoting slavery extension. It proved a boomerang, however, in furnishing something new for the abolitionists to denounce.

The territory involved in the Wilmot Proviso contest was that wrested from Mexico as the price of peace in 1846-47. The proposal made by this famous Proviso to exclude slavery from the whole of that acquisition was debated with great acrimony from 1846 to 1850. Meanwhile, rapid settlement led to an application by the people of the California portion of that region for admission to the Union with a non-slavery constitution. Under Clay's management the Congressional bargain of 1850 admitted California as a free state and left the problem of slavery in Utah and New Mexico to be determined by the courts, or in due time by the settlers.

Kansas-Nebraska, A Forlorn Hope.

The pro-slavery element soon found that it had been outmanœuvered in this so-called compromise,

and that its position was now more difficult and strategically weaker than before. What Calhoun had realized in 1848 now came to be seen vividly by a large group of Southern leaders: that the preservation of the senatorial balance and Southern security was a forlorn hope as well as a desperate necessity. At this stage Stephen A. Douglas, Congressman from Illinois, in January, 1854, introduced his bill to open the Kansas-Nebraska region for settlement with a system of territorial government permitting any and all citizens of the United States to emigrate thither with their property, and to determine later for themselves by majority vote whether negro slavery should be locally permitted. Congress hastily adopted Douglas' plan and erected the two territories of Kansas and Nebraska on a free-for-all basis of immigration. The act promptly aroused a bitter discussion in the sectional presses, and it shortly gave occasion for sectional rivalry in colonizing voters in Kansas, and a bitter wrangle in Congress and the newspapers as to the legitimacy of the methods used by either side.

Had the colonization of Kansas been a normal, spontaneous movement of people in search of better material opportunities, the North would have had the advantage. Its population was constantly swelled by European immigration, and the South, offering comparatively little inducement to wage-workers or small farmers and receiving practically no recruits, had well-nigh exhausted its remnant of colonizing strength in Missouri, Arkansas and Texas. Moreover, the Kansas soil and climate offered little inducement for colonization by men with plantation gangs. When the issue took the form of promoting and financing an abnormal rush of voters and fighters into the territory, the South was again and more decisively at a disadvantage. The free-

soilers had their society organizations and society funds at command, and in their communities a great supply of floating capital was available for any emergency of the popular cause, whereas the Southern people were very slightly organized and, as usual, short of cash. The one advantage of the pro-slavery side was dangerous: the proximity of Missouri and the willingness of the pro-slavery Missourians to invade Kansas on election days and stuff the ballot boxes. When the free-soilers denounced this practice, the reply followed that the colonization of anti-slavery voters by the Emigrant Aid Societies was also illegitimate, and the devil, whether in saint's clothing or not, must be fought with fire.

Secession.

A recent field inquiry by the present writer among the people on both sides of the Missouri-Kansas boundary has given him reason to believe that there was a much more even distribution of virtue and villainy between the respective factions than the historians have generally described. The crusading spirit, whether pro- or anti-slavery, was shared by the just and the unjust; and the agencies for colonizing voters, North and South, enlisted immigrants in the stress of the times with little inquiry as to their personal quality. The equipment and advice given the anti-slavery colonists suggested aptly the nickname "Beecher's Bibles" for their Sharp's rifles. The hideous murders by John Brown and his sons on the Pottawottamie were not an unnatural product of the conditions. On the other hand, many of the Missourians who invaded Kansas on election days were moved by an emotional exaltation not unlike that which impelled friends of the negro to despise and defeat the fugitive slave rendition law in Ohio or Massachusetts. Others in the Missouri

bands, of course, went in dogged anger; while youths joined the junkets in the same holiday spirit of adventure which led many thousands a few years later to join the great armies in Virginia.

The conditions in Kansas led quickly to reprisals. Guerrilla warfare broke out, and the free-soilers were the first to cry outrage. The slavery advocates retorted that their men had done less outrage than the free-soilers. The politicians and the masses of the people in each section had now reached the stage where they were deaf to any arguments but those of their own side; and each section proceeded to work itself into a frenzy of bitterness. Responsibility for the Kansas crisis is attributable, in part, to the folly of Douglas and his followers in assigning a huge national problem to the decision of prospective settlers in vacant territory, and partly to the irrepressible character which the general struggle between the sections had acquired. In 1858 the free-soilers raised such a clamor over "bleeding Kansas" and the exclusive pro-slavery responsibility for her bleeding, and wrought the North into such a rage of resentment, that numerous moderate Southerners came to advocate the admission of Kansas into the Union as a free state in order to mitigate the crisis. But Kansas was kept in a "bleeding" territorial status for two years longer. Dwelling constantly on this issue, the abolitionists increased the advocates of the radical anti-slavery program to such an extent that when, in the fall of 1860, the Republican party captured the presidency, it gave high promise of government without respect to Southern sentiment or interests. The Southern body politic, long developing a distinct national sentiment, now finally faced the alternative of submitting to the prospect of early oppression or of immediately seceding from the Union.

Bibliography.—Adams, J. Q.: *Memoirs* (12 vols., Philadelphia, 1874–7); Benton, T. H.: *Thirty Years' View* (2 vols., New York, 1854–6); Birney, William: *James G. Birney and his Times* (New York, 1890); Bledsoe, A. T.: *Liberty and Slavery* (1856); Brown, W. G.: *The Lower South in American History* (New York, 1902); Burgess, J. W.: *The Middle Period* (New York, 1897); Cairnes, J. E.: *The Slave Power* (London, 1862, 2d ed. enlarged, London, 1863); Calhoun, J. C.: *Works* (6 vols., Charleston, 1853–5); Claiborne, J. F. H.: *Life of John A. Quitman* (New York, 1860); Channing, W. E.: *Slavery* (Boston, 1835); Dabney, R. L.: *Defence of Virginia* (New York, 1867); Fitzhugh, George: *Cannibals All* (Richmond, 1857), and *Sociology for the South* (Richmond, 1854); Fleming, W. L.: *Buford's Expedition to Kansas* (in *American Historical Review* Vol. VI., pp. 38–48); Garrison, W. P. and F. J.: *William Lloyd Garrison* (4 vols., New York, 1885); Goodell, William: *The American Slave Code in Theory and Practice* (New York, 1853), and *Slavery and Anti-Slavery* (New York, 1852); Hart, A. B.: *Slavery and Abolition* (New York, 1906, containing bibliography); Helper, H. R.: *The Impending Crisis of the South* (New York, 1857), and *Nojoque* (New York, 1867); Hodgson, Joseph: *The Cradle of the Confederacy* (Mobile, 1876); Hurd, J. C.: *The Law of Freedom and Bondage in the United States* (2 vols., Boston, 1858–62); Johnson, Allen, *Stephen A, Douglas* (New York, 1908); Johnston, Alexander: *American Political History* (ed. by J. A. Woodburn, 2 vols., New York, 1905); Kettel, T. P.: *Southern Wealth and Northern Profits* (New York, 1860); McMaster, J. B.: *History of the United States;* McDougall, W. G.: *Fugitive Slaves* (Boston, 1891); McPherson, J. H. T.: *History of Liberia* (in *Johns Hopkins University Studies*, IX., No. 10); Paulding, J. K.: *Slavery in the United States* (New York, 1836); Parker, Joel: *Personal Liberty Laws* (1861); Pollard, E. A.: *Black Diamonds* (New York, 1859); Reed, J. C.: *The Brothers' War* (Philadelphia, 1905); Rhodes, J. F.: *History of the United States;* Sawyer, G. S.: *Southern Institutes* (Philadelphia, 1859); Schouler, James: *History of the United States;* Siebert, W. H.: *The Underground Railroad* (New York, 1898); Smith, T. C.: *Parties and Slavery* (New York, 1906); Smith, W. H.: *Political History of Slavery* (2 vols., New York, 1903); Stephens, A. H.: *War between the States* (2 vols., Philadelphia, 1868–70); Still, William: *The Underground Railroad* (Philadelphia, 1872); von Holst, H.: *J. C. Calhoun* (Boston, 1882), and *History of the United States;* Weeks, S. B.: *Anti-Slavery Sentiment in the South* (in *Southern History Association Publications*, Vol. II., pp. 87–130), and *Southern Quakers and Slavery* (in *Johns Hopkins University Studies*, extra Vol. XV.); Williams, G. W.: *History of the Negro Race in America* (New York, 1882); Wilson, Henry: *Rise and Fall of the Slave Power in America* (3 vols., Boston, 1882–7); Wise, H. A.: *Seven Decades of the Union* (Philadelphia, 1872); American Colonization Society, *Fiftieth Annual Report* (1867); *Cotton is King and Pro-Slavery Argument* (Augusta, 1860, Comprising essays by Hammond, Harper, Bledsoe and others); *The Pro-Slavery Argument* (Philadelphia, 1852, containing essays by Dew, Hammond, Harper and Simms).

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